



Mary F. Schiavo
Licensed in DC, FL, MD, MO, SC

South Carolina Office
Direct Dial 843.216.9138
Direct Fax 843.216.9440
mschiavo@motleyrice.com

* 1100 Glendon Ave., 14th Floor
Los Angeles, CA 90024-3503
o. 310.500.3540
f. 310.824.2870

1000 Potomac St., Ste. 150
Washington, DC 20007
o. 202.232.5504
f. 202.232.5513

28 Bridgeside Blvd.
Mt. Pleasant, SC 29464
o. 843.216.9000
f. 843.216.9450

321 South Main St.
Providence, RI 02903
o. 401.457.7700
f. 401.457.7708

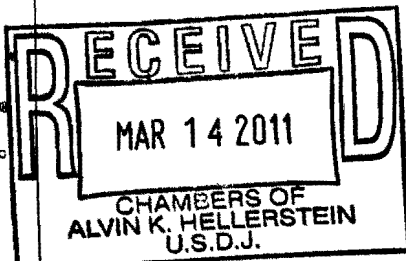
One Corporate Center
20 Church St., 17th Floor
Hartford, CT 06103
o. 860.882.1681
f. 860.882.1682

275 Seventh Ave., 2nd Floor
New York, NY 10001
o. 212.577.0040
f. 212.577.0054

320 Chestnut St.
Morgantown, WV 26505
o. 304.413.0456
f. 304.413.0458

* Motley Rice LLP operates
the California office.

www.motleyrice.com



March 11, 2011

Via Email and First Class Mail

Honorable Alvin K. Hellerstein
United States District Judge
United States Courthouse
Southern District of New York
500 Pearl Street, Room 1050
New York, New York 10007

Re: In re September 11 Litigation, 21 MC 101 (AKH)
Bavis v. United Airlines, Inc. et al., 02-CV-7154 (AKH)

Dear Judge Hellerstein:

As your Honor requested, counsel for the Bavis Plaintiffs and counsel for Defendants are jointly submitting a portion of the Fact Narrative upon which the parties were able to agree. There are additional areas that we are both continuing to discuss and anticipate offering shortly, either an agreed upon addition to the narrative or separate alternative proposals for inclusion in the narrative.

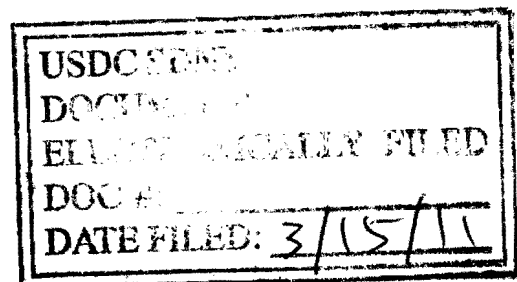
Respectfully submitted,

Mary Schiavo
Mary Schiavo

MS/lcl

enclosures

cc: Bavis Defense Counsel (via email)
Owen Roth, Law Clerk to Judge Alvin K. Hellerstein (via email)



*The joint submission
is accepted as a set of facts,
subject to supplementation
at additional proof, & be
read to the jury.
3-15-11
Alvin K. Hellerstein*

Proposed Preliminary Partial Joint Fact Narrative

On the morning of September 11, 2001, 19 men intent on hijacking four airplanes passed through passenger screening checkpoints operated by United Air Lines and American Airlines and boarded four flights that were hijacked later that morning: American Airlines Flight 11, United Air Lines Flight 175, American Airlines Flight 77 and United Air Lines Flight 93. No one on any of the planes survived.

This lawsuit involves the death of Mark Bavis, a passenger aboard United Air Lines Flight 175, the second flight to crash into the World Trade Center. This statement provides some of the basic, background facts relevant to this lawsuit.

Mark Bavis was 31. He was traveling from Boston to Los Angeles where he worked as a professional hockey scout for the Los Angeles Kings National Hockey League team. He was not married and did not have children. In addition to his mother, Mary Bavis, Mark is survived by his identical twin brother, two other brothers and three sisters.

The plaintiff in this case is the mother of Mark Bavis. Mary Bavis and her children chose not to make a claim through the government's Victim Compensation Fund. Instead, Mary Bavis, Mark's mother, exercised her right to bring this case against the defendants.

The defendants in this action are (1) United Air Lines, Inc. and its parent, United Continental Holdings, Inc. ("United"); (2) Huntleigh USA Corp. ("Huntleigh"); (3) ICTS International, N.V. (owner of ICTS USA, Inc., which owns Huntleigh USA Corp.); and (4) The Massachusetts Port Authority ("Massport").

Defendant United is an air carrier. In accordance with applicable law and the structure of aviation security as it existed on September 11, 2001, air carriers, like United, were required to screen baggage, passengers, and cargo.

Defendant Huntleigh is a company that was contracted by air carriers to perform passenger and baggage screening at the airport checkpoints. Air carriers were permitted to hire contractors to conduct the screening on the air carriers' behalf. United hired Huntleigh, on behalf of United, to conduct screening of United flights departing from Logan on September 11, 2001, including for Flight 175.

Defendant Massport was, on September 11, 2001, the owner of Logan International Airport in Boston, Massachusetts ("Logan"). On September 11, 2001, Flight 175 was scheduled to provide nonstop service from Logan to Los Angeles International Airport. At Logan, Massport was responsible for : (1) securing the airfield where airplanes take off, land and park; (2) restricting access to certain areas that are limited to airport and airline employees by securing doors to those areas and issuing badges to those employees; and (3) providing law enforcement support. Massport was not responsible for passenger checkpoint screening.

Flight 175 was scheduled to depart for Los Angeles at 8:00 a.m. The airplane was a Boeing 767. It had two aisles and three different sections of cabin service, First Class, Business Class and Economy Class. There were 65 people on board: 2 pilots, 7 flight attendants, 51 passengers, and the 5 men who later hijacked the airplane.

Mark Bavis was given a boarding pass with seat assignment 19F, the fifth row of the coach cabin of the airplane. The five men who eventually hijacked Flight 175 – Marwan al Shehhi, who piloted the aircraft, Mohand al Shehri, Hamza al Ghamdi, Fayez Banihammad, and Ahmed al Ghamdi – purchased and were assigned seats 2A, 2B, 6C, 9C, and 9D in the First Class and Business Class sections of Flight 175. They boarded Flight 175 after checking in at the ticket counter, receiving their boarding passes, and passing through a security checkpoint operated by Huntleigh on behalf of United.

At 7:58 a.m., Flight 175 pushed back from Gate 19. At 8:14 a.m., the airplane took off. At 8:19 a.m., Flight 175 made routine radio contact with an air traffic controller at Air Traffic Control Boston Center. At 8:37 a.m., air traffic controllers at the Boston Center asked the United Flight 175 flight crew to look for American Airlines Flight 11. At 8:38 a.m., the crew of Flight 175 contacted Air Traffic Control at the Boston Center and stated that they had spotted the aircraft at 28,000 or 29,000 feet. Between 8:41 a.m. and 8:42 a.m., the flight crew of Flight 175 had its last communication with air traffic control. The flight crew reported that they heard a “suspicious transmission” from another aircraft during their departure from Boston that sounded like “someone keyed the mike and said everyone stay in your seats.”

Between 8:42 a.m. and 8:46 a.m., the hijackers took control of Flight 175. At 8:51 a.m., Flight 175 deviated from its assigned altitude. At 8:52 a.m., a flight attendant on Flight 175 contacted United Air Lines’ maintenance office in San Francisco and reported that the aircraft had been hijacked. The phone call was made from the back of the aircraft. The flight attendant reported a flight attendant had been stabbed and both pilots had been killed.

At 9:03 a.m. the terrorist hijackers crashed United Flight 175 into the South Tower of the World Trade Center.